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Follow-up to the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

Revised draft plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century

Note by the Secretariat

1. The "Vienna Declaration on Crime and Criminal Justice: Meeting the Challenges of the Twenty-first Century" was adopted by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000,[1] and endorsed by the General Assembly in its resolution 55/59 of 4 December 2000. In its resolution 55/60 of 4 December 2000, the Assembly requested the Secretary-General to prepare, in consultation with Member States, draft plans of action to include specific measures for the implementation and follow-up to the commitments undertaken in the Vienna Declaration, for consideration and action by the Commission on Crime Prevention and Criminal Justice at its tenth session.

2. At its 1st meeting, on 8 May 2001, the Commission at its tenth session decided to allocate six meetings of the Committee of the Whole to the consideration of the draft plans of action for the implementation of the Vienna Declaration (E/CN.15/2001/5). At the 14th meeting of the Commission, on 17 May 2001, its first Vice-Chairman, who also served as Chairman of the Committee of the Whole, reported to the Commission that, after 11 meetings, the Committee of the Whole had completed the consideration of the first six draft plans of action, namely, action against transnational organized crime, the plan of action against corruption, the plan of action against trafficking in persons, the plan of action against smuggling of migrants, the plan of action against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and the plan of action against money-laundering. There remained outstanding a question in the plan of action against the illicit manufacturing of and trafficking in firearms, their parts and

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components and ammunition because representatives had not had adequate time to consider a proposal relating to one part of the text of that plan of action. With that exception, the Committee of the Whole had reached consensus on the draft plans of action listed above. However, because of the extent and scope of the document and the complexity of the objectives in the draft plans of action, the Committee of the Whole was not able to complete its consideration of the remaining draft plans of action. The Commission expressed its strong appreciation to the Chairman of the Committee of the Whole for the work that had been accomplished.

3. Following discussion, the Commission considered that the draft plans of action should be approved and adopted as a package and accordingly did not proceed to consider the six draft plans of action discussed in the Committee of the Whole. The Commission decided to hold an inter-sessional meeting from 3 to 5 September 2001 to examine the draft plans of action, starting, for practical reasons, with those draft plans of action which were not discussed by the Committee of the Whole. The secretariat was requested to prepare a new document, replacing document E/CN.15/2001/5, which would reflect and take into account the discussion in the Committee of the Whole on the draft plans of action. The document should be made available to Member States six weeks prior to the inter-sessional meeting. Those Governments which had submitted additional proposals for the consideration of the Commission were requested to resubmit them; those submissions should be succinct and in line with the new format agreed upon in the Committee of the Whole. The inter-sessional meeting should present the outcome of its work to the Commission at its resumed tenth session, to be held on 6 and 7 September 2001.

4. The revised draft plans of action are annexed to the present note. Sections I-VI contain the draft plans of action that have been revised by the Committee of the Whole. Section VII remains under review. Sections VIII-XI contain the four other draft plans of action that were before the Committee of the Whole but were not reviewed by it; they have been revised in accordance with the request of the Commission. Sections XII-XIV contain three additional draft plans of action based on comments submitted by Finland (E/CN.15/2001/L.7, annex); they have been prepared by Finland at the request of the Commission. Section XV contains one additional draft plan of action based on comments submitted by Canada (E/CN.15/2001/L.8); they have been prepared by Canada at the request of the Commission.

Notes

[1] *Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Vienna, 10-17 April 2000: report prepared by the Secretariat* (United Nations publication, Sales No. E.00.IV.8), chap. I, resolution 1.

Annex

Revised draft plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century

I. Action against transnational organized crime

1. In order to implement and follow up the commitments undertaken pursuant to paragraphs 5, 6, 7 and 10 of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (General Assembly resolution 55/59, annex) and to facilitate the signature, ratification, entry into force and progressive implementation of the United Nations Convention against Transnational Organized Crime (Assembly resolution 55/25, annex) and the protocols thereto, the specific measures below are recommended.

A. National actions

2. States that have not signed the Convention and the protocols thereto should do so as soon as possible, and States that have signed those legal instruments should make every effort to ratify them as soon as possible. Each State will set priorities for the effective implementation of the Convention and the protocols thereto and will proceed as appropriate and as expeditiously as possible until all provisions of all of those legal instruments are in full force and operation. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) The development of legislation creating or strengthening sanctions, investigative powers, criminal procedures and other matters;

(b) Building capacity, including for the purpose of cooperation, through the strengthening of crime prevention and criminal justice systems, and the establishment or expansion of agencies responsible for the prevention, detection and control of transnational organized crime;

(c) The establishment or improvement of training programmes for judges, prosecutors, law enforcement personnel and other individuals or agencies responsible for the prevention, detection and control of transnational organized crime;

(d) The development and sharing of information and analytical expertise on methods and activities and general trends in organized crime and on the identities, whereabouts and activities of specific individuals or groups suspected of involvement in organized crime, to the extent consistent with national laws and international agreements and arrangements;

(e) The general promotion of effective crime control strategies.

3. States will also endeavour, as appropriate:

(a) To support the efforts of the Centre for International Crime Prevention of the Secretariat to promote ratification of the Convention and the protocols thereto

through regional seminars and provide pre- and post-ratification assistance to signatory States by providing financial contributions, expertise and/or other forms of assistance;

(b) To increase in a sustained manner their overall level of extrabudgetary contributions and strengthen and broaden the donor base of the Centre in order to ensure the availability of adequate material and technical resources for projects in support of the Convention and the protocols thereto, as well as other projects and programmes.

B. International actions

4. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations as appropriate:

(a) Organize high-level seminars to increase awareness of the Convention and the protocols thereto on the part of States, intergovernmental and non-governmental organizations and other key groups or individuals;

(b) Assist States in the development of legislation and regulations and provide other expertise or technical cooperation to facilitate the ratification and implementation of the legal instruments, on request and subject to the availability of resources;

(c) Assist States in the establishment or intensification of bilateral and multilateral cooperation in the areas covered by the Convention, in particular those involving the use of modern communication technologies, on request and subject to the availability of resources;

(d) Carry out the regular collection and analysis of data on transnational organized crime, in consultation with interested States;

(e) Maintain a database to permit a more comprehensive in-depth analysis of patterns and trends and geographical mapping of the strategies and activities carried out by organized criminal groups, and of best practices to combat transnational organized crime, in consultation with interested States;

(f) Maintain a database of relevant national legislation;

(g) Support the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime in the development of rules and procedures for the Conference of the Parties to the Convention;

(h) Provide secretariat and general support to the Conference of the Parties to the Convention;

II. Action against corruption

5. In order to implement and follow up the commitments undertaken pursuant to paragraph 16 of the Vienna Declaration, to develop an effective international legal instrument against corruption and to develop and implement other measures and programmes to prevent and combat corruption, the specific measures below are recommended.

A. National actions

6. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Participation in the intergovernmental open-ended expert group to prepare draft terms of reference for the negotiation of an international legal instrument against corruption;

(b) Full participation in sessions of the ad hoc committee for the negotiation of an international legal instrument against corruption established pursuant to General Assembly resolution 55/61 of 4 December 2000;

(c) Promoting the full and effective participation of developing countries, in particular least developed countries, in the deliberations of the intergovernmental open-ended expert group and the ad hoc committee; this may be done through the provision of extrabudgetary resources to the Centre for International Crime Prevention;

(d) Efforts to finalize the international legal instrument against corruption as soon as possible, taking into account and building upon other relevant international instruments and recommendations;

(e) Commencing, when appropriate, the development of domestic legislative, administrative and other measures to facilitate the ratification and effective implementation of the future international legal instrument against corruption, including both domestic measures against corruption and measures to support effective cooperation with other States.

7. States will endeavour, as appropriate, to address domestic corruption with the following measures:

(a) The assessment of domestic types, causes, effects and costs of corruption;

(b) The development of national strategies and action plans against corruption, based on the broad participation of stakeholders from government and civil society;

(c) The maintenance or establishment of adequate domestic offences, investigative powers and criminal procedures to deal with corruption and related problems;

(d) The strengthening of national governance systems and institutions, in particular criminal justice institutions, to create and/or ensure greater independence from and resistance to corrupt influences;

(e) The maintenance or establishment of institutions and structures to achieve transparency and public accountability in government, business and other key social and economic sectors;

(f) The development of expertise in anti-corruption measures and the education and training of officials about the nature and consequences of corruption and how to combat it effectively.

8. States will endeavour, as appropriate, to address transnational corruption with the following measures:

(a) Signature, ratification and implementation of existing international instruments against corruption, as appropriate;

(b) Proper follow-up to international anti-corruption measures and recommendations at the national level, in conformity with national law;

(c) Development and enhancement of domestic capacity to provide international cooperation in anti-corruption matters, including addressing the question of the repatriation of proceeds of corruption;

(d) Raising awareness on the part of relevant government departments or ministries such as ministries of justice, the interior, foreign affairs and development cooperation as to the seriousness of the problems posed by transnational corruption and the need to support effective measures against it;

(e) Provision of material, technical or other support to other States in anti-corruption programmes, both directly and through financial support to the global programme against corruption;

(f) Reduction of opportunities for the transfer and concealment of proceeds of corruption and addressing the question of returning such proceeds to their countries of origin; actions may include ensuring the implementation of measures against money-laundering pursuant to the United Nations Convention against Transnational Organized Crime and other international legal instruments and the development and implementation of new measures.

B. International actions

9. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations as appropriate:

(a) Provide substantive expertise and full secretariat services to the ad hoc committee for the negotiation of an international legal instrument against corruption in the course of its work;

(b) Provide to States, on request and subject to the availability of resources, technical cooperation to facilitate the ratification and implementation of the future legal instrument against corruption;

(c) Assist States in the establishment or intensification of bilateral and multilateral cooperation in the areas to be covered by the future legal instrument against corruption;

(d) Maintain a database of existing national assessments of corruption in a standardized format and a kit of best practices against corruption;

(e) Facilitate the sharing of experience and expertise among States;

(f) Revise and update the manual on practical measures against corruption.[1]

[1] See Economic and Social Council resolution 1995/14, para. 6.

III. Action against trafficking in persons

A. National actions

10. In order to implement and follow up the commitments undertaken pursuant to paragraph 14 of the Vienna Declaration, to take immediate and effective measures to prevent and combat trafficking in persons, especially women and children, and to promote cooperation between States in the development and implementation of such measures, States will, individually and collectively endeavour, as appropriate:

(a) To develop and share information and analytical expertise on the nature and extent of domestic and regional trafficking activities and on the identities, means and methods of known traffickers or trafficking organizations, to the extent consistent with national laws and international agreements and arrangements;

(b) To adopt or strengthen, as necessary, effective laws and procedures for the prevention and punishment of trafficking in persons and effective measures for the support and protection of victims and witnesses of such trafficking;

(c) To consider implementing measures to provide for the protection and physical, psychological and social recovery of victims of trafficking in persons;

(d) To support and cooperate with national and international non-governmental and other organizations and elements of civil society, as appropriate, in matters relating to trafficking in persons;

(e) To review and assess the effectiveness of domestic measures against trafficking in persons and to consider making that information available for comparison and research into the development of more effective measures against such trafficking;

(f) To develop and disseminate public information about trafficking in persons to educate potential victims of such trafficking;

(g) To strengthen capacity for international cooperation to develop and implement measures against trafficking in persons;

(h) To consider providing voluntary contributions to support the implementation of the global programme against trafficking in human beings;

(i) To provide increased resources to support the development and implementation of national and regional strategies against trafficking in persons.

B. International actions

11. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations as appropriate:

(a) Develop technical cooperation projects to prevent and combat trafficking in persons and to protect the victims and witnesses of such trafficking, in order to assist States, upon request, in implementing such projects under the global programme against trafficking in human beings, subject to the availability of resources;

(b) Maintain a global database containing information about the nature and extent of trafficking in persons and best practices for preventing and controlling it, in cooperation with the United Nations Interregional Crime and Justice Research Institute;

(c) Develop tools to assess the effectiveness of measures against trafficking in persons.

IV. Action against smuggling of migrants

A. National actions

12. In order to implement and follow up the commitments undertaken pursuant to paragraph 14 of the Vienna Declaration and to take immediate and effective measures to prevent and combat the smuggling of migrants, and to promote cooperation between States in the development and implementation of such measures, States will individually and collectively endeavour, as appropriate:

(a) To develop and share information and analytical expertise on the nature and extent of domestic and regional activities relating to the smuggling of migrants and on the identities, means and methods of known smugglers or smuggling organizations, to the extent consistent with national laws and international agreements and arrangements;

(b) To enact or strengthen, as necessary, effective laws for the prevention and punishment of smuggling of migrants and measures for the support and protection of the rights of smuggled migrants and of witnesses in smuggling cases, in conformity with the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex III);

(c) To implement measures to protect the basic rights of smuggled migrants and, within their means, of witnesses in smuggling cases, to protect them from violence and take appropriate measures in cases where, in the course of being smuggled, the lives, safety or human dignity of migrants are placed in jeopardy;

(d) To support and cooperate with national and international non-governmental and other organizations and elements of civil society, as appropriate, in matters relating to the smuggling of migrants;

(e) To review and assess the effectiveness of domestic measures against the smuggling of migrants and consider making that information available for comparison and research into the development of more effective measures;

(f) To develop and disseminate public information about smuggling of migrants to educate officials, the general public and potential migrants about the true nature of such smuggling, including the involvement of organized criminal groups and the risks posed to smuggled migrants;

(g) To strengthen capacity for international cooperation to develop and implement measures against the smuggling of migrants.

B. International actions

13. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations as appropriate, develop technical cooperation projects to prevent and combat the smuggling of migrants, while protecting the rights of smuggled migrants, in order to assist States, upon request, in implementing such projects, subject to the availability of resources.

V. Action against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition

14. In order to implement and follow up the commitments undertaken pursuant to paragraph 15 of the Vienna Declaration and to take such immediate and effective measures as are appropriate to reduce the incidence of the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and related criminal activities, the specific measures below are recommended.

A. National actions

15. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Adopting and strengthening, as necessary, national legislation and procedures, and in particular procedures regarding criminal offences and procedures for the confiscation, seizure, forfeiture and disposal of firearms, their parts and components and ammunition;

(b) Implementing requirements to keep records regarding firearms, the marking of firearms and the deactivation of firearms;

(c) Establishing or maintaining effective systems for the licensing or authorization of the import, export and transit of firearms, their parts and components and ammunition;

(d) Establishing appropriate legal and administrative measures with a view to preventing the loss, theft or diversion of firearms, for the exchange of relevant information relating to firearms and for bilateral, regional and international cooperation, including by means of information exchange and technical assistance;

(e) Considering the establishment of an effective regulatory framework for the activities of those engaged in the brokering of transactions involving the import, export or transit of firearms.

B. International actions

16. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations as appropriate:

(a) Develop technical cooperation projects to prevent, combat and eradicate the illicit trafficking in firearms, their parts and components and ammunition and

related activities, in order to assist requesting States, in particular developing countries and countries with economies in transition, in implementing such projects, subject to the availability of resources;

(b) Establish and maintain a global database of existing national and regional firearms regulations and related law enforcement practices, as well as best practices relating to firearms control measures, subject to the availability of resources.

VI. Action against money-laundering

17. In order to implement and follow up the commitments undertaken pursuant to paragraph 17 of the Vienna Declaration and to develop, adopt and implement effective domestic legislation, regulations and administrative measures to prevent, detect and combat, in cooperation with other States, domestic and transnational money-laundering, in accordance with the relevant international instruments, in particular the United Nations Convention against Transnational Organized Crime, and using as a guideline the relevant initiatives of regional, interregional and multilateral organizations against money-laundering, the specific measures below are recommended.

A. National actions

18. Individually and collectively, States will endeavour, as appropriate, to support the following:

(a) The adoption of comprehensive measures to deal effectively with the problem of money-laundering in all its aspects, with the participation of all relevant ministries, departments and agencies and in consultation with representatives of the financial sector;

(b) Efforts to ensure that domestic legislation adequately criminalizes activities and methods used to conceal, convert or transfer the proceeds of crime in order to disguise the nature or origin of the proceeds, in accordance with article 6 of the United Nations Convention against Transnational Organized Crime;

(c) Efforts to ensure that adequate regulatory, inspection and investigative powers exist to detect and identify money-laundering activities;

(d) Efforts to ensure that adequate investigative and judicial powers exist to permit the identification, tracing, seizure, confiscation and disposal of proceeds of crime;

(e) Efforts to ensure that adequate legal powers exist and administrative resources are available to permit timely and effective responses to be made to requests from other States in cases involving money-laundering;

(f) The support of and participation in domestic and international research efforts to monitor and analyse trends in money-laundering and international policy responses;

(g) Consistent with existing multilateral arrangements, projects or programmes to assist other States in developing, drafting or upgrading legislation,

regulations and administrative procedures against money-laundering, including the Global Programme against Money-Laundering and other activities or projects that support the implementation of the United Nations Convention against Transnational Organized Crime;

(h) Activities or programmes to train officials or share expertise in combating money-laundering, such as training workshops and seminars.

B. International actions

19. The Office for Drug Control and Crime Prevention of the Secretariat, in cooperation with other relevant international and regional organizations, as appropriate, will develop technical cooperation activities to prevent and combat money-laundering in order to assist requesting States in implementing those activities, subject to the availability of resources.

VII. Action against terrorism

20. In order to implement and follow up the commitments undertaken in paragraph 19 of the Vienna Declaration and to take such immediate and effective measures as are appropriate to prevent and combat criminal activities carried out for the purpose of furthering terrorism in all its forms and manifestations, the specific measures below are recommended.

A. National actions

21. Individually and collectively, States will endeavour, as appropriate:[2]

(a) To foster better cooperation between anti-terrorism agencies and agencies fighting crime. This may include the establishment of liaison offices or other channels of communication between anti-terrorism agencies and agencies fighting crime in order to enhance information exchange;

(b) To conduct research and gather information about domestic and transnational issues and activities relating to terrorism, crime and the links between them, and support similar work at the international level;

(c) To consider the signature and ratification of international instruments dealing with terrorism;

(d) To consider the development, adoption and implementation of appropriate domestic laws and procedures, with a view to achieving effective domestic measures against terrorism and related crime, enhanced ability to cooperate in appropriate cases with other States and the effective implementation of relevant international instruments.

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[2] See paragraph 19 of the Vienna Declaration.

B. International actions

22. The Terrorism Prevention Branch of the Office for Drug Control and Crime Prevention will, in cooperation with other relevant international and regional organizations as appropriate:

(a) Offer analytical support by collecting information on the relationship between terrorism and related criminal activities;

(b) Continue to maintain existing databases on terrorism;

(c) Maintain close links with the Centre for International Crime Prevention's global programmes in order to integrate, where feasible, information or databases dealing with terrorism and crime;

(d) In cooperation with Member States, take appropriate measures to raise public awareness of the nature and scope of international terrorism and its relationship to crime, including transnational organized crime;

(e) Introduce, for consideration by Member States, measures to strengthen its infrastructure and capacity in order to further develop and administer the terrorism prevention component of the United Nations Crime Prevention and Criminal Justice Programme;[3]

(f) In cooperation with the Office of Legal Affairs of the Secretariat, take steps to raise awareness of the relevant international instruments, encourage States to sign and ratify such instruments and, where feasible, coordinate or provide assistance in implementing such instruments to States upon request.

VIII. Action on crime prevention

23. In order to implement and follow up the commitment, undertaken in paragraph 25 of the Vienna Declaration, to develop comprehensive international, regional, national and local crime prevention strategies and to incorporate into such strategies the elements called for in paragraphs 19-21 of the Declaration, taking into account the matters mentioned in paragraphs 7 (a), 11, 13 and 18 of the Declaration, the specific measures below are recommended.

A. National actions

24. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) Provision of national leadership by promoting close cooperation between the various sectors of society, including justice, health, education, social services and housing, which are necessary to support effective community-based crime prevention;[4]

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[3] Proposal submitted by Uzbekistan (E/CN.15/2001/L.1).

[4] Proposal by Canada (E/CN.15/2001/L.8, para. 59); see also paragraph 25 of the Vienna Declaration.

(b) Close cooperation with and provision of assistance to elements of civil society in the development, adoption and promotion of crime prevention initiatives, taking into account the importance of proceeding on the basis of proven practices wherever possible and of selecting the appropriate balance between various approaches to community-based crime prevention,[5] including the funding of such initiatives;

(c) Encouragement of governmental and non-governmental assessment of the effectiveness of crime prevention programmes;[6]

(d) Development of strategies for the prevention of youth crime and their incorporation into national policies;[7]

(e) Development of practices that seek to prevent crime victims from being victimized once again;[8]

(f) Development and implementation of situational and other crime prevention programmes with a view to avoiding any infringement of civil liberties;[9]

(g) Collaboration with other Governments and non-governmental organizations in the development and dissemination of successful and innovative crime prevention initiatives and specialized knowledge and expertise in crime prevention practices,[10] including public awareness and education campaigns about effective crime prevention and the contributions that individuals, families, communities and all levels of government may make to contribute to safer and more peaceful communities;[11]

(h) Contributing to the collective efforts of countries to develop a comprehensive international strategy to advance community-based crime prevention.[12]

B. International actions

25. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations as appropriate:

(a) Develop and promote crime prevention expertise that has been carefully adapted from established practices to the conditions in the countries where those practices are to be implemented, using seminars, training programmes and other means, subject to the availability of resources;[13]

(b) Subject to the availability of resources and where requested to do so by the State or States involved, conduct public awareness and education campaigns

[5] See the proposal by Canada (E/CN.15/2001/L.8, para. 60).
[6] See the proposal by Canada (E/CN.15/2001/L.8, para. 62).
[7] Proposal by Canada (E/CN.15/2001/L.8, para. 61).
[8] Proposal by Canada (E/CN.15/2001/L.8, para. 61).
[9] Proposal by Canada (E/CN.15/2001/L.8, para. 63).
[10] Paragraphs 75 (c) and (d) of the draft plans of action (E/CN.15/2001/5) have been merged for consistency with other sections.
[11] Proposal by Canada (E/CN.15/2001/L.8, para. 66).
[12] Proposal by Canada (E/CN.15/2001/L.8, para. 64).
[13] Proposal by Finland (E/CN.15/2001/L.7, annex, para. 12 (b)), falls within the ambit of paragraph 25 of the Vienna Declaration.

about effective crime prevention and the respective contributions that individuals, families, communities and all levels of government may make towards safer and more peaceful communities;[14]

(c) Promote projects that contribute to the exchange of information and experience in crime prevention for the purpose of encouraging new forms of collaboration between countries involving government, the community and non-governmental organizations;[15]

(d) Monitor and respond to the rapid evolution and globalization of crime through the promotion and dissemination of innovative and effective crime prevention initiatives that take account of the impact of new technologies on crime and crime prevention;

(e) Continue studying crime in urban areas and measures for its effective prevention, including the possible cultural and institutional differences in effective crime prevention;[16]

(f) Incorporate into international standards and norms for crime prevention measures to prevent and combat crime associated with racism, racial discrimination, xenophobia and related forms of intolerance;[17]

(g) Subject to the availability of resources, develop technical cooperation projects in the area of crime prevention for requesting States and assist in their implementation;

(h) Subject to the availability of resources, develop guidelines for policy makers and a handbook on practices in the area of crime prevention, based upon best available expertise and experience.

IX. Action on witnesses and victims of crime[18]

26. In order to implement and follow up the commitments, undertaken in paragraph 27 of the Vienna Declaration, to review relevant practices by 2002 where possible, to develop action plans, support services and awareness campaigns for victims, to consider the establishment of funds for victims and to develop and implement witness protection policies, the specific measures below are recommended.

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[14] Proposal by Canada (E/CN.15/2001/L.8, annex, para. 66), amended for consistency with other sections.

[15] Proposal by Finland (E/CN.15/2001/L.7, annex, para. 13); see also paragraph 25 of the Vienna Declaration.

[16] Proposal by Finland (E/CN.15/2001/L.7, annex, para. 12 (a)); see also paragraph 25 of the Vienna Declaration.

[17] Proposal by Canada (E/CN.15/2001/L.8, para. 66); see also paragraphs 20 and 25 of the Vienna Declaration.

[18] At the tenth session of the Commission on Crime Prevention and Criminal Justice it was decided that references to victims in section I, entitled "Action against Transnational Organized Crime" and section VI, entitled "Action against trafficking in persons", would be deleted. It was also decided that a section dealing with restorative justice should be submitted by Canada. References to restorative justice were therefore removed from this section.

A. National actions

27. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) The conduct of national and regional studies on victims of crime in national justice systems;

(b) The implementation or further implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,[19] taking as a guide the handbook on justice for victims and the guide for policy makers, in conformity with national laws.

B. International actions

28. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations as appropriate:

(a) In its projects and programmes, take into account measures for the assistance and support of victims and witnesses, including those who are women, children or victims of trafficking in persons;[20]

(b) Prepare for the establishment and administration of an international fund for providing support to victims of crime;[21]

(c) Promote best practices in providing support and services for victims and witnesses using, for example, the International Victimology Website (http://www.victimology.nl);[22]

(d) Subject to the availability of resources, translate into the official languages of the United Nations and widely disseminate the guide for policy makers on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the handbook on justice for victims on the use and application of the Declaration and assist requesting States in applying those documents;[23]

(e) Where practicable and subject to the availability of resources, incorporate victim assistance elements into technical assistance projects;[24]

(f) Subject to the availability of resources, make use of the international database established by the Government of the Netherlands in order to provide guidelines for drafting appropriate laws on victims and, upon request, assist States in the development of new legislation;[25]

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[19] General Assembly resolution 40/34, annex.

[20] Proposal by Canada (E/CN.15/2001/L.8, para. 77).

[21] The reference to victims of transnational crime was amended on the basis of proposals by Finland (E/CN.15/2001/L.7, annex, para. 18 (a)) and Canada (E/CN.15/2001/L.8, para. 76).

[22] Proposal by Canada (E/CN.15/2001/L.8, para. 78).

[23] Proposal by Finland (E/CN.15/2001/L.7, annex, paras. 16 and 17).

[24] Proposal by Finland (E/CN.15/2001/L.7, annex, para. 17).

[25] Proposal by Finland (E/CN.15/2001/L.7, annex, para. 19 (a)).

(g) Where necessary and subject to the availability of resources, promote demonstration or pilot projects for the development, further development or establishment of victim services and other related operational activities;[26]

(h) Where necessary and subject to the availability of resources, develop measures for special victim groups.[27]

X. Action on prison overcrowding and alternatives to incarceration[28]

29. In order to implement and follow up the commitments undertaken in paragraph 26 of the Vienna Declaration to promote safe and effective alternatives to incarceration, the specific measures below are recommended.

A. National actions

30. Individually and collectively, States will endeavour, as appropriate, to support the following actions:

(a) The development of specific actions and time-bound targets to address prison overcrowding, recognizing that conditions in overcrowded prisons may affect the human rights of prisoners, including such actions as the adoption of effective measures to reduce pre-trial detention; the introduction of appropriate alternatives to imprisonment; preferring non-custodial measures to imprisonment where possible; dealing with minor offences using options such as customary practice, mediation between concerned parties or the payment of civil reparations or compensation; and conducting public awareness and education campaigns on alternatives to imprisonment and how they work;[29]

(b) Encouraging international and regional financial institutions to incorporate into their technical cooperation programmes measures to reduce prison overcrowding;[30]

(c) Promoting and implementing good prison practice in conformity with international standards;

(d) Ensuring that national and international actions on the treatment of offenders take into account and address any disparate impact that such actions may have on women and men.[31]

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[26] Proposal by Finland (E/CN.15/2001/L.7, annex, para. 19 (b)).

[27] Proposal by Finland (E/CN.15/2001/L.7, annex, para. 19 (b)).

[28] Proposal by Canada (E/CN.15/2001/L.8, paras. 79 and 80). At its tenth session, the Commission for Crime Prevention and Criminal Justice requested that a new section dealing with restorative justice be submitted by Canada and a new section dealing with juvenile justice be submitted by Finland. Paragraphs 88 (g), (h) and (l) and 90 (b) and (c) of the draft plans of action (E/CN.15/2001/5) were therefore deleted.

[29] Paragraphs 88 (a)-(f) and (i) of the draft plans of action (E/CN.15/2001/5) were merged for consistency with other sections.

[30] Paragraph 90 (a) of the draft plans of action (E/CN.15/2001/5).

[31] Paragraph 86 (f) of the draft plans of action (E/CN.15/2001/5), moved on the basis of a proposal

B. International actions

31. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations as appropriate:

(a) Encourage international and regional financial institutions to incorporate into their technical cooperation programmes measures to reduce prison overcrowding;[32]

(b) Ensure that national and international crime prevention and criminal justice strategies take into account and address any disparate impact of programmes or policies by reason of the gender of those to whom they apply;[33]

(c) Subject to the availability of resources, provide assistance in the form of advisory services, needs assessment, capacity-building, training or other assistance to States, upon request, to enable them to improve prison conditions.[34]

XI. Action against computer-related crime[35]

32. In order to implement and follow up the commitments, undertaken in paragraph 18 of the Vienna Declaration, to develop action-oriented policy recommendations for the prevention and control of computer-related crime and to enhance abilities to prevent, investigate and prosecute such crimes, the specific measures below are recommended.

A. National actions

33. Individually and collectively, States will endeavour, as appropriate, to support the following actions, taking into account the importance of human rights such as the rights to privacy and free expression and the respective roles of public- and private-sector entities in developing, maintaining and regulating the technologies at the national and international levels:

(a) Criminalization of the misuse of information technologies and amendment of definitions of traditional crimes such as fraud to ensure that they

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by Canada (E/CN.15/2001/L.8, para. 83). Text of paragraph 86 (f) of the draft plans of action (E/CN.15/2001/5), referring to disparate impacts on the basis of "race, colour, language, religion, political or other opinion, national or social origin, property, birth or other status", was deleted, as no such reference appears in the Vienna Declaration in the context of treatment of offenders.

[32] Paragraph 90 (a) of the draft plans of action (E/CN.15/2001/5).

[33] Paragraph 86 (f) of the draft plans of action (E/CN.15/2001/5), moved on the basis of a proposal by Canada (E/CN.15/2001/L.8, para. 83); reference to gender-based disparities is in paragraph 11 of the Vienna Declaration, but the Declaration does not appear to contain any reference to disparities from race, colour, language or the other factors set out in paragraph 86 (f) of the draft plans of action (E/CN.15/2001/5).

[34] Proposal by Finland (E/CN.15/2001/L.7, annex, para. 14).

[35] The title was amended to make it conform more with the language of paragraph 18 of the Vienna Declaration. The content of this section is based on paragraphs 97 ("national actions") and 99 ("international actions") of the draft plans of action (E/CN.15/2001/5).

apply in cases where computer and telecommunication media and networks are used to commit those offences;

(b) The development and implementation of legal powers, jurisdictional rules and other procedural provisions to ensure that computer- and telecommunication-related crimes can be effectively investigated at the national level and that effective cooperation can be obtained in multinational cases, taking into account the need for effective law enforcement, national sovereignty and the need to maintain effective protections for privacy and other basic rights. This may include:

(i) The adjustment of rules of evidence to ensure that computer evidence can be preserved, authenticated and used in criminal proceedings;

(ii) The adoption or amendment of provisions dealing with the national and international tracing of communications;

(iii) The adoption or amendment of provisions governing the conduct of domestic and cross-border electronic searches;

(iv) The adoption or amendment of provisions dealing with the interception of communications transmitted via computer networks and similar media;

(c) Ensuring that law enforcement personnel are trained and equipped to be able to respond effectively and expeditiously to requests for assistance in the tracing of communications and other measures necessary for the investigation of transnational computer-related crimes;

(d) Engaging in domestic and international discussions with industries involved in the development and deployment of computers, telecommunication equipment, network software and hardware and other relevant products and services. These discussions should include key areas such as:

(i) The legal, social and technical effects of technological changes;

(ii) Issues relating to domestic and international regulation of the technologies and networks;

(iii) Issues relating to the incorporation of elements intended to prevent crime or facilitate the detection, investigation or prosecution of crime into new technologies;

(e) The making of voluntary contributions, in cooperation with the private sector, in the form of resources and technical expertise needed to assist other States in developing and implementing effective crime control and prevention measures as their populations take up the new technologies.

B. International actions

34. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations as appropriate and subject to the availability of resources:[36]

(a) Support the expansion of national and international research activities to identify new forms of offending, new patterns of offending, the effects of offending in key areas such as sustainable development, protection of privacy and electronic commerce and the legislative and other measures taken in response by developed and developing countries and the private sector;

(b) Function as the secretariat for discussions dealing with crime prevention and criminal justice issues, including the possible negotiation of an international instrument or instruments dealing with crimes involving information technologies;

(c) Prepare and disseminate internationally agreed materials such as guidelines, legal and technical manuals, minimum standards, best practices and model legislation to assist legislators and law enforcement and other authorities in the development, adoption and application of effective measures against computer-related crime and offenders both in general and in specific cases;

(d) Promote, support and implement, as appropriate, technical cooperation and assistance projects, subject to the availability of resources. Such projects would bring together experts in crime prevention, computer security offences, procedural power and legislation, prosecution, investigative techniques and related matters with States seeking information or assistance in those areas.

XII. Action on juvenile justice

35. In order to implement and follow up the commitments, undertaken in paragraph 24 of the Vienna Declaration, to give timely assistance to children and young people in difficult circumstances in order to prevent them from resorting to crime[37] and to strengthen juvenile justice systems, the specific measures below are recommended.

A. National actions

36. Individually and collectively, States will endeavour, as appropriate:

(a) To support the development of crime prevention practices that are focused on juveniles who are at risk of becoming delinquent or who are easy candidates for recruitment by criminal groups;[38]

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[36] As the subparagraphs that follow may raise cost implications in relation to technical assistance or other matters, the words "subject to the availability of resources" were added.

[37] Based on Economic and Social Council resolution 1999/28, paragraph 6.

[38] Based on Economic and Social Council resolution 1999/28, paragraph 5, but also falling within the ambit of paragraph 24 of the Vienna Declaration.

(b) To incorporate an integrated strategy for the prevention of youth crime and for juvenile justice in their national development plans;[39]

(c) To promote the re-education and rehabilitation of children and young people who are in conflict with the law.[40]

B. International actions

37. The Centre for International Crime Prevention, in cooperation with other relevant international and regional organizations, will:

(a) Subject to the availability of resources and upon request, develop technical cooperation projects to prevent youth crime, to strengthen juvenile justice systems and to improve the rehabilitation and treatment of juvenile offenders and assist States in implementing those projects;[41]

(b) Ensure effective cooperation among the relevant United Nations entities and the other organizations mentioned in the Guidelines for Action on Children in the Criminal Justice System (Economic and Social Council resolution 1997/30, annex).[42]

XIII. Action on the special needs of women as criminal justice practitioners, victims, prisoners and offenders[43]

38. In order to implement and follow up the commitments undertaken in paragraphs 11 and 12 of the Vienna Declaration, and to review crime prevention and criminal justice strategies in order to identify and address any disparate impact of programmes and policies on women and men, the specific measures below are recommended.

A. National actions

39. Individually and collectively, States will endeavour, as appropriate:

(a) To review and evaluate their legislation and legal principles, procedures, policies and practices relating to criminal matters, in a manner consistent with their legal systems, to determine if they have a negative impact on women and, if they do

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[39] Proposal by Canada (E/CN.15/2001/L.8, para. 61), amended for consistency with paragraph 5 of Economic and Social Council resolution 1996/13 and falling within the ambit of paragraph 24 of the Vienna Declaration.

[40] Based on paragraph 88 (l) of the draft plans of action (E/CN.15/2001/5); text has been deleted in the light of the section proposed by Canada on restorative justice.

[41] Based on Economic and Social Council resolutions 1999/28, paragraph 15, 1998/21, section II, paragraph 8, 1997/39, paragraph 3, and 1996/13, but also falling within the ambit of paragraph 24 of the Vienna Declaration.

[42] Based on Economic and Social Council resolution 1999/28, paragraph 11, and 1996/13, paragraph 8, but also falling within the ambit of paragraph 24 of the Vienna Declaration.

[43] Proposal by Finland (E/CN.15/2001/L.7, para. 6 and annex), based on paragraph 11 of the Vienna Declaration.

have such an impact, to modify them in order to ensure that women are treated fairly by the criminal justice system;[44]

(b) To develop action-oriented policy recommendations based on the special needs of female victims and witnesses in criminal justice systems that address any disparate impact on women and men;[45]

(c) To consider sharing with other States, via web sites or other media or forums, any best practices concerning victims and witnesses that take the special needs of women into account.[46]

B. International actions

40. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations:

(a) Avail itself of the information and materials on violence against women, including violence in the family, violence in the community and violence by the State, that are being gathered by Governments and United Nations treaty bodies, special rapporteurs, specialized agencies, bodies, organs and intergovernmental and non-governmental organizations, including organizations seeking women's equality;[47]

(b) Cooperate with all other relevant entities of the United Nations system regarding activities on issues relating to violence against women and to the removal of gender bias in the administration of criminal justice and coordinate work on such issues;[48]

(c) Consolidate and disseminate information on successful intervention models and preventive programmes at the national level;[49]

(d) Continue to improve training concerning the human rights of women and issues of gender bias and violence against women for all United Nations staff members, especially those in human rights and humanitarian relief, peacekeeping and peacemaking activities, and to promote their understanding of the human rights of women so that they can recognize and deal with violations of the human rights of women and can fully take into account the gender aspects of their work;[50]

(e) Cooperate and coordinate with all relevant organs, bodies and other entities of the United Nations system in their activities on issues relating to violence

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[44] Based on General Assembly resolution 52/86, paragraph 1, but also falling within the ambit of paragraph 11 of the Vienna Declaration.

[45] Proposal by Canada (E/CN.15/2001/L.8, para. 73).

[46] Proposal by Canada (E/CN.15/2001/L.8, para. 73).

[47] Based on Economic and Social Council resolution 1996/12, paragraph 7, but also falling within the ambit of paragraphs 11 and 12 of the Vienna Declaration.

[48] Based on Economic and Social Council resolution 1996/12, paragraph 8, but also falling within the ambit of paragraphs 11 and 12 of the Vienna Declaration.

[49] Based on Economic and Social Council resolution 1996/12, paragraph 9, but also falling within the ambit of paragraphs 11 and 12 of the Vienna Declaration.

[50] Based on Economic and Social Council resolution 1996/12, paragraph 10, but also falling within the ambit of paragraphs 11 and 12 of the Vienna Declaration.

against women and to the removal of gender bias in the administration of criminal justice;[51]

(f) Continue training in the field of violence against women and to consolidate and disseminate information on successful intervention models and preventive programmes at the national level;[52]

(g) Assist Member States upon request in utilizing the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (General Assembly resolution 52/86, annex).[53]

XIV. Action on standards and norms[54]

41. In order to implement and follow up the commitments undertaken in paragraph 22 of the Vienna Declaration and to promote the use and application, as appropriate, of the United Nations standards and norms in crime prevention and criminal justice in national law and practice, the specific measures below are recommended.

A. National actions

42. Individually and collectively, States will endeavour, as appropriate, to ensure the promotion and widest possible dissemination of United Nations standards and norms in crime prevention and criminal justice and to publish the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*[55] in the languages of their countries.[56]

B. International actions

43. The Centre for International Crime Prevention will, in cooperation with other relevant international and regional organizations:

(a) Update the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*;[57]

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[51] Based on General Assembly resolution 52/86, paragraph 4, but also falling within the ambit of paragraphs 11 and 12 of the Vienna Declaration.

[52] Based on General Assembly resolution 52/86, paragraph 5, but also falling within the ambit of paragraphs 11 and 12 of the Vienna Declaration.

[53] Based on General Assembly resolution 52/86, paragraph 11, but also falling within the ambit of paragraphs 11 and 12 of the Vienna Declaration.

[54] Proposal by Finland (E/CN.15/2001/L.7, para. 6 and annex); see also paragraph 22 of the Vienna Declaration.

[55] United Nations publication, Sales No. E.92.IV.1 and corrigendum.

[56] Based on Economic and Social Council resolution 1996/16, paragraph 1, but also falling within the ambit of paragraph 22 of the Vienna Declaration.

[57] The mandate, which is to ensure that the most up-to-date versions of the model treaties on international cooperation are included in the *Compendium*, derives from paragraph 23 of the Vienna Declaration.

(b) Promote the use and application of United Nations standards and norms in crime prevention and criminal justice, inter alia, by providing advisory services and technical cooperation to Member States on request, including assistance to Member States in criminal justice and law reform, organization of training for law enforcement and criminal justice personnel and support to the administration and management of penal and penitentiary systems, thus contributing to the upgrading of their efficiency and capabilities;[58]

(c) Coordinate activities relating to the use and application of United Nations standards and norms in crime prevention and criminal justice between the Centre for International Crime Prevention and other relevant United Nations entities.[59]

XV. Action on restorative justice

44. In order to implement and follow up the commitments undertaken in paragraph 28 of the Vienna Declaration and to promote the use of restorative justice, an approach to justice that encourages healing and restoration for the parties affected by the crime, including the victim, the offender and the community, the specific measures below are recommended.

A. National actions

45. Individually and collectively, States will endeavour, as appropriate:

(a) To take into account Economic and Social Council resolution 2000/14 of 27 July 2000, entitled "Basic principles on the use of restorative justice programmes in criminal matters", including the desirability and the means of establishing common principles;

(b) Deal with petty offences according to customary practice where available, provided that this meets human rights requirements and that those involved so agree;[60]

(c) Use amicable means to resolve petty offences among parties, for example by using mediation, civil reparation or agreements whereby the offender compensates the victim;[61]

(d) Promote a culture favourable to mediation and restorative justice among law enforcement, judicial and social authorities and local communities;[62]

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[58] Based on Economic and Social Council resolution 1996/16, paragraph 9, but also falling within the ambit of paragraph 22 of the Vienna Declaration.

[59] Based on Economic and Social Council resolution 1996/16, paragraph 10, but also falling within the ambit of paragraph 22 of the Vienna Declaration.

[60] Based on paragraph 88 (c) of the draft plans of action (E/CN.15/2001/5); see also Economic and Social Council resolution 1998/23, paragraph 3.

[61] Based on paragraph 88 (d) of the draft plans of action (E/CN.15/2001/5); see also Economic and Social Council resolution 1998/23, paragraph 3.

[62] Based on paragraph 88 (g) of the draft plans of action (E/CN.15/2001/5); see also Economic and Social Council resolution 1999/26, paragraph 5.

(e) Provide appropriate training for those involved in the development and implementation of restorative justice policies and programmes;[63]

(f) Promote the re-education and rehabilitation of children and young people who are in conflict with the law by encouraging, where appropriate, the use of mediation, conflict resolution, conciliation and other methods of restorative justice as alternatives to judicial proceedings and custodial-based sanctions;[64]

(g) Develop and implement restorative justice policies and programmes, taking into account existing international commitments with respect to victims, in particular the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;[65]

(h) Promote partnerships between government and non-governmental organizations to implement restorative justice programmes;[66]

(i) Promote cooperation between Government and civil society to ensure broad understanding of, and support for, the use of restorative justice principles;[67]

(j) Liaise with other Governments, non-governmental organizations and institutes of the United Nations Crime Prevention and Criminal Justice Programme network in order to exchange information on best practices in the field of restorative justice.[68]

B. International actions

46. The Centre for International Crime Prevention, in cooperation with other relevant international and regional organizations, will:

(a) Exchange information on experiences in the implementation and evaluation of programmes for restorative justice;[69]

(b) Undertake activities to assist Member States in developing mediation and restorative justice policies and to facilitate the exchange at the international and regional levels of experience on the issues of mediation and restorative justice, including dissemination of best practices;[70]

(c) Assist the Commission on Crime Prevention and Criminal Justice in considering the desirability and the means of establishing common principles on the use of restorative justice programmes in criminal matters;[71]

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[63] Based on paragraph 88 (h) of the draft plans of action (E/CN.15/2001/5); see also Economic and Social Council resolution 1999/26.

[64] Based on paragraph 88 (l) of the draft plans of action (E/CN.15/2001/5); see also Economic and Social Council resolution 1999/28, paragraph 8.

[65] Proposal by Canada (E/CN.15/2001/L.8, para. 90).

[66] Proposal by Canada (E/CN.15/2001/L.8, para. 90).

[67] Proposal by Canada (E/CN.15/2001/L.8, para. 90).

[68] Proposal by Canada (E/CN.15/2001/L.8, para. 90).

[69] Based on paragraph 84 (c) of the draft plans of action (E/CN.15/2001/5).

[70] This falls within the ambit of paragraph 28 of the Vienna Declaration; see also Economic and Social Council resolution 1999/26, paragraph 9.

[71] This falls within the ambit of paragraph 28 of the Vienna Declaration; see also Economic and Social Council resolution 2000/14, paragraph 2; see also paragraph 6 of the draft plan of action

(d) Convene a meeting of experts to examine proposals for further action in relation to restorative justice, including mediation.[72]

on restorative justice proposed by Canada (E/CN.15/2001/L.8, para. 90).

[72] This falls within the ambit of paragraph 28 of the Vienna Declaration; see also Economic and Social Council resolution 2000/14, paragraph 3.